

## REMARKS/ARGUMENTS

### ***Claim Rejections – 35 U.S.C. § 101***

Claims 1, 2, 4-9, 19, and 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

### ***Claim Rejections – 35 U.S.C. § 103***

Claims 1 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doshi *et al.* (U.S. Publication 2004/0193728) in view of Chiba *et al.* (U.S. Patent 7,231,456).

Claims 2, 4-10, and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doshi in view of Chiba in further view of Troxel *et al.* (U.S. Patent 6,850,524).

Applicant notes that the present application is directed towards managing a *wavekey network* from a common network manager. A wavekey network employs a set of “wavekeys”, where cascaded wavelength channels forming an end-to-end path are modulated by one of the wavekeys for path identification. A wavekey may have a single dither tone, or a combination of dither tones, uniquely identifying a respective path. However, none of the references cited in the office action contemplates managing a wavekey network or a network employing identifying modulation of individual channels or paths of cascaded channels.

Please see paragraph [0002] of publication 2004/0249976 of the present application, “The invention relates to optical WDM networks, and in particular to such networks employing dither tones for channel identification.”

Applicant has cancelled claims 1, 2, 4-10, and 12-23 without prejudice or disclaimer regarding the content therein. New claims 24-43 are introduced to more clearly define the invention.

**Summary**

Claims 1, 2, 4-10, and 12-23 have been cancelled. New claims 24-43 are pending.

No new subject matter has been added to the claims.

Favorable consideration and allowance are earnestly solicited.

Respectfully submitted,



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